

Editor's note: Reconsideration denied by order dated April 7, 1976

DUNCAN MILLER

IBLA 75-464

Decided March 19, 1976

Appeal from a decision of the California State Office, Bureau of Land Management, requiring consent to certain stipulations as a condition precedent to the issuance of oil and gas lease R 4855.

Affirmed.

1. Oil and Gas Leases: Generally -- Oil and Gas Leases: Applications:
Generally -- Oil and Gas Leases: Stipulations

The financial burden of complying with stipulations included in an oil and gas lease is the sole responsibility of the lessee.

APPEARANCES: Duncan Miller, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

The California State Office, Bureau of Land Management, required Duncan Miller, the successful drawee for oil and gas lease R 4855 in a simultaneous filing procedure, to consent to and execute certain stipulations as a condition precedent to the issuance of the lease, for both national resource and national forest lands. In addition to the standard surface disturbance stipulations which accompany all oil and gas leases issued by BLM, Miller was called upon to accept other stipulations required pursuant to Executive Order 11593 relating to the preservation of significant archeological and paleontological values.

Miller submitted the required executed copies of the stipulations and simultaneously "appealed." The purported appeal does not object to the requirements for or of the stipulations; it suggests only that the cost of compliance could be excessive and that Miller should be relieved of any possible expenses arising from compliance with the stipulations.

The statement of reasons lacks any substance or merit and does not point out specifically how the cost of the stipulations is excessive. A statement of reasons which does not meet the requirements of the Department's rules of practice is subject to dismissal. Duncan Miller, 20 IBLA 19 (1975).

[1] Appellant has been informed by this office in decision after decision that the financial burden of complying with stipulations imposed for the protection of the environment is the sole responsibility of the lessee. Duncan Miller, 16 IBLA 24 (1974); Duncan Miller, 15 IBLA 116 (1974); Duncan Miller, 12 IBLA 185 (1973); Duncan Miller, 12 IBLA 199 (1973); Duncan Miller, 11 IBLA 1 (1973). Once Miller had submitted the executed stipulation forms, however, the lease should have been issued, even though his consent was made under protest. His "appeal" then could have been processed as a protest.

We are constrained to make a further observation about this case. Miller's offer was afforded first priority in a drawing of simultaneously-filed offers held July 6, 1972, but Miller was not called upon to accept and execute the stipulations until the BLM decision of April 15, 1975. The record affords no discernible reason for such a delay.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision is affirmed. The case record is remanded with instructions that this case be appropriately processed without further delay.

Douglas E. Henriques
Administrative Judge

We concur:

Edward W. Stuebing
Administrative Judge

Joseph W. Goss
Administrative Judge

